IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16931 of 2004

Between:

1. The Principal Chief Conservator of Forests, A.P., Saifabad, Hyderabad.
2. The Conservator of Forests, Kurnool Circle, Kurnool District.
3. The Divisional Forest Officer, Rajampet Division, Kadapa District.

..... PETITIONERS

AND

Sri Shafir Ahmed, Forest Guard, W.L.D.S.V. Division,
Balapally Range, Kangumadugu beat, Kadapa District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of Certiorari, calling for the records connected with order dated 31.7.2003 in O.A.No.6420 of 1997 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondent: None appeared.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.16931 OF 2004

ORDER: (PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

Aggrieved by the order dated 31.07.2003 of the A.P. Administrative Tribunal, Hyderabad Bench allowing the O.A.No.6420 of 1997, the respondents therein have filed this writ petition.

2. The respondent herein filed the O.A.No.6420 of 1997 seeking invalidation of the order of punishment of stoppage of two increments with cumulative effect passed against him, on the ground that it was not preceded by a departmental enquiry and as the order was one imposing a major penalty, which necessarily could be only after a due process of regular enquiry specified for major penalty under the provisions of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

3. The Tribunal by the impugned Judgment *set aside* the punishment on the ground that it was not preceded by regular departmental enquiry as required under A.P.C.S. (C.C.& A) Rules, 1991.

4. In view of the Judgment of the Supreme Court in *Kulwant Singh Gill v. The*

State of Punjab, the punishment of stoppage of increments with cumulative effect being a major penalty, could not have been imposed without holding a regular departmental enquiry. The Judgment of the Tribunal is therefore, impeccable and does not warrant interference by this Court. Hence, there are no merits in the writ petition.

5. The writ petition is accordingly dismissed at the stage of admission. No order as to costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 28th October, 2004.

MRK/Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Principal Chief Conservator of Forests, A.P., Saifabad,

Hyderabad.

2. The Conservator of Forests, Kurnool Circle, Kurnool District.
3. The Divisional Forest Officer, Rajampet Division, Kadapa District.

4. Two C.Cs. to the Government Pleader for Services-I, High

Court Buildings, Hyderabad. (O.U.T.)

5. Two C.D. copies.